

## **REMARKS/ARGUMENTS**

### **1. SUMMARY OF THE OFFICE ACTION**

Claim 34 has been rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Claims 1, 2 and 4 - 34 have been rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent Application Publication with Publication Number 20050050164 to Burd et al (hereinafter, "Burd") and facts the Examiner has suggested were well-known in the art at the time of Applicants' invention.

### **2. RESPONSE TO § 101 REJECTIONS**

Claim 34 has been rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. In particular, the Examiner has stated:

The claimed "computer readable medium" as defined in the specification, page 37, as carrier waves, is non-statutory as not being tangible, incapable of being touched or perceived.

(Office Action mailed March 25, 2005).

Applicants' specification states:

[t]he term "machine readable medium" shall be taken to include any medium that is capable of storing or encoding a sequence of instructions for execution by the machine and that cause the machine to perform any one of the methodologies of the present invention. The term "machine readable medium" shall be taken to include, but not be limited to, solid-state memories, optical and magnetic disks, and carrier wave signals.

(Paragraph [113] of Applicants' Specification).

Accordingly, the term "machine readable medium" is not limited to an intangible medium. Consequently, Applicants submit that claim 34 is not

directed to non-statutory subject matter, and is in condition for allowance, which is earnestly solicited.

### 3. RESPONSE TO § 103 REJECTIONS

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

**Independent claim 1 is neither anticipated by, nor obvious in view of, Burd, as Burd does not disclose each and every limitation of claim 1.**

Claim 1 states in part:

1. A method to facilitate the update of a plurality of user interface categories **utilizing a single client application** program, the method including:
  - at a first computer system, generating a user interface data message wherein the user interface data message includes the plurality of user interface categories and the single client application program, **wherein the single client application program executes at a second computer system,** and wherein each user interface category includes a user interface element;
  - communicating the user interface data message from the first computer system to the second computer system;
  - receiving a user interface update message, at the first computer system, wherein the user interface update message includes an update to the plurality of user interface categories; and

communicating the user interface update message from the first computer system to the second computer system to enable the single client application program, at the second computer system, to update the plurality of user interface categories, by communicating the update to a script and the script, in turn, updating the respective user interface elements.

(Claim 1, emphasis added). According to claim 1, a user interface data message is communicated from a first computer system to a second computer system. The user interface data message includes a plurality of user interface categories corresponding to user interface elements, and a single client application program to be executed at the second computer system. Moreover, the single client application program, executing at the second computer system, facilitates the updating of the plurality of user interface elements, wherein each user interface element is associated with a user interface category.

As a point of further clarification, in paragraph [050], Applicants' specification states:

Note that a single client application program is utilized to update multiple user interface categories containing user interface elements (e.g., all screen categories) on the web page. As practiced without the invention, a client application program is dedicated to a particular user interface category thus requiring multiple client application programs to service multiple user interface categories.

(Applicants' Specification, Paragraph [050]).

In contrast, Burd discloses a system for controlling user interface elements with server-side control objects. Moreover, for each user interface element to be displayed on a web page, a separate and independent server-side control object is created. In particular, Burd states:

In the illustrated embodiment, the control objects in the control object hierarchy 316 are created and executed on

the server 300, and each server-side control object logically corresponds to a corresponding user interface element on the client.

(Burd, Paragraph [0045]). Consequently, not only does Burd not disclose or suggest a client application program for updating user interface elements, Burd does not disclose a single application for updating a plurality of user interface elements. Consequently, Burd does not anticipate Applicants' invention as claimed in claim 1. Moreover, Applicants' invention as claimed in claim 1 is not obvious in view of Burd. For the same reasons, independent claims 20, 24, 25, 28, 29 and 30 are not obvious in view of Burd. Similarly, dependent claims 2, 4 - 19, 21 and 31 - 33 are not obvious in view of Burd.

**Independent claim 22 is neither anticipated by, nor obvious in view of, Burd, as Burd does not disclose each and every limitation of claim 22.**

22. A method to facilitate receiving a user interface update from a plurality of user interface categories utilizing a single client application program, the method including:

at a first computer system, generating a user interface data message wherein the user interface data message includes the plurality of user interface categories and the single client application program, wherein the single client application program executes at a second computer system, wherein each user interface category includes a user interface element;

communicating the user interface data message from the first computer system to the second computer system;

**at the first computer system, receiving a subscription subject message, the subscription subject message including a list of subscription subjects subscribed to by the user interface elements;**

at the first computer system, receiving a user interface update message from the second computer system, wherein the user interface update message is generated at the second computer system by the user interface element that communicates a user interface

update to a script and the script, in turn, communicating the update to the single client application program, the single client application program communicating the user interface update message to the first computer system.

(Claim 22, emphasis added). According to claim 22, **a subscription subject message is received at a first computer system (bridge server node), the subscription subject message including a list of subscription subjects subscribed to by the user interface elements** at the second computer (client/portal computer). Accordingly, subject-based messages, to which a user interface element has subscribed, may be communicated from the first computer system (bridge node server) to the second computer system (portal/client computer), if the second computer system has communicated a message subscribing to the subject of such subject-based messages. Once the subject-based message is received at the second computer (client/portal computer), the client application program processes the message and updates a user interface element.

In contrast, Burd discloses server-side control objects for managing user interface elements. In Burd, processing of messages is done at the server. In particular, Burd states:

The communications between the client 100 and the web server 116 may be conducted using a sequence of HTTP requests 114 and HTTP responses 112. Although HTTP is described with reference to one embodiment, other transport protocols, including without limitation S-HTTP, are contemplated within the scope of the present invention. On the web server 116, an HTTP pipeline module 118 receives an HTTP request 114, resolves the URL, and invokes an appropriate handler 120 for processing the request. **In an embodiment of the present invention, a plurality of handlers 120 to handle different types of resources are provided on the web server 116.**

...

In summary, an embodiment of the present invention includes **server-side control objects** that are created and executed on the server to generate **HTML code that is sent to a client**. The HTML code may embody any valid HTML constructs and may, for example, reference ACTIVE-X-type controls, JAVA applets, scripts, and any other web resources to produce user interface buttons and other user interface elements at the client. A user at the client may interact with these user interface elements, which logically correspond to the server-side objects, and send a request back to the server. The server-side control objects are recreated on the server to process the data, events, and other characteristics of the user interface elements so as to generate the next round of HTML code to be transmitted in a response to the client.

(Burd, Paragraphs [0030] and [0076]). According to Burd, messages are communicated from the client/web browser to the web server, where they are processed. Burd, however, does not disclose or suggest a client/web browser communicating a subscription subject message to the web server. In particular, in contrast to claim 22, Burd does not disclose or suggest **receiving a subscription subject message at the first computer system (e.g., a server), the subscription subject message including a list of subscription subjects subscribed to by the user interface elements**. Consequently, Burd does not anticipate claim 22. Moreover, claim 22 is not obvious in view of Burd. For the same reasons, claims 23, 26, 27 and 34 are not obvious in view of Burd.

For the reasons stated above, Applicants submit that claims 1, 2 and 3 - 34 are not obvious in view of Burd and those facts of which the Examiner has taken official notice. Accordingly, Applicants submit the claims are in a condition of allowance, which is earnestly solicited.

It should furthermore be noted that the above amendments to the claims have not been made with a view to overcoming any prior art of which the Applicants are aware, or that has been cited in the present Office Action. The

Application No. 10/058,152  
Amendment Date: 06/27/2005  
Reply to Office Action mailed: 3/25/2005

above amendments have been made with a view to modifying the form of the claims.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: June 27, 2005

A handwritten signature in black ink, appearing to read "Nathan P. Elder", written over a horizontal line.

Nathan P. Elder  
Reg. No. 55,150

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 947-8200